

DOCKET NO.: MSFT-2849/306818.01
Application No.: 10/692,350
Office Action Dated: 06/18/2007

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

Upon entry of the present amendment, claims 1-3 and 5-14 will remain pending in this application. Claim 4 is hereby canceled. Applicants submit that no new matter has been added by the present amendment.

Claims 1-7 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, 3-8 and 10-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Murthy (U.S. 2005/0055355) in view of Schwarzhoff (U.S. 6,591,260). Claims 1-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Suver (U.S. 6,016,497) in view of Murthy (U.S. 2005/0055355) and further in view of Schwarzhoff (U.S. 6,591,260). Additionally, claims 15, 17-20, and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Murthy in view of Schwarzhoff and Acton et al. (U.S. 6,209,040). Claims 1-14 have also been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Suver in view of the Murthy and further view of Seyrat (U.S. 2004/0068696). Claims 2 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Murthy in view of Schwarzhoff and further view of Chau (6,643,633). Applicants respectfully traverse.

Interview Summary

Applicants' undersigned representative, Mr. Eiferman, and Examiner Cam Troung participated in a telephonic interview on July 25, 2007 to discuss the claimed invention in relation to the Murthy reference.

Claim Rejections Under 35 U.S.C. § 101

Claims 1-7 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse and note that independent claim 1 recites tangible results such as, for example, but not limited to, generating "query results comprising each type path that satisfies the query." Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 101 rejections is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 3-8 and 10-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Murthy (U.S. 2005/0055355) in view of Schwarzhoff (U.S. 6,591,260). Claims 1-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Suver (U.S. 6,016,497) in view of Murthy (U.S. 2005/0055355) and further in view of Schwarzhoff (U.S. 6,591,260). Additionally, claims 15, 17-20, and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Murthy in view of Schwarzhoff and Acton et al. (U.S. 6,209,040). Claims 1-14 have also been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Suver in view of the Murthy and further view of Seyrat (U.S. 2004/0068696). Claims 2 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Murthy in view of Schwarzhoff and further view of Chau (6,643,633). Applicants respectfully traverse.

Independent claim 1 recites a data store comprising a table of documents. Each document has an associated document type in a hierarchy of document types. Each document type has a type path that is a path from a root document type to the document type in the hierarchy of document types. The table comprises each document and its associated type path. A document retrieval system accesses the table to determine, for each document, if its associated type path will satisfy the query, and generates query results comprising each type path that satisfies the query.

Murthy discloses an extensible markup language (XML) document that includes different elements (*e.g.*, nodes). The elements can be arranged in a tree structure (Fig. 3-5). However, Murthy clearly discloses that the nodes in the tree structure correspond to *different XML elements within a single XML document - not to the documents themselves and/or document types*. Thus, Murthy does not teach or suggest document types, a hierarchy of document types, a path to a document type within such a hierarchy, or a table that includes these values. Moreover, Murthy does not teach or suggest processing a query by accessing the table to determine, for each document, if its associated type path will satisfy the query, and generates query results comprising each type path that satisfies the query. Suver similarly fails to teach, suggest or even mention documents, document types, or document type paths.

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Accordingly, the cited references do not teach or suggest the above described features from independent claim 1 or similar features from independent claim 25 (reciting pre-computed values instead of type paths). Thus, Applicants respectfully submit that independent claims 1 and 25 and all claims depending therefrom are patentable over the cited references. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 103 rejections are respectfully requested.

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CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application is respectfully requested.

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